

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE

IN OPPOSITION TO L.D. 802**

**“AN ACT TO ALLOW THE BREACH OR REMOVAL OF BEAVER DAMS
THAT OBSTRUCT THE PASSAGE OF ANADROMOUS OR MIGRATORY
FISH”**

SPONSORED BY: Representative TUCKER of BRUNSWICK

CO-SPONSORED BY: Senator BAKER of SAGadahoc
Representative PIERCE of DRESDEN

DATE OF HEARING: April 2, 2015

Good afternoon Senator Davis, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am Michael Brown, Fisheries Division Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition to **L.D. 802**.

This testimony has some similarities to the testimony provided on L.D. 773 because the bills address the same topic of concern.

The Department feels this would be an unnecessary law. The Department routinely allows beaver dam alteration with a simple permit. The importance of the permit is that it allows oversight and review by a professional wildlife or fisheries biologist and interaction with existing property owners. We do not support modifying or removing a beaver dam on private property against the wishes of the landowner. We have issued these permits for several years and we believe that this system has worked well to educate landowners and protect all fish and wildlife associated with beaver dams and their impoundments. Many of these areas support nesting waterfowl, fish habitat or other important life stages of fish and wildlife. Removing a dam does not mean that the structure will not be rebuilt unless you euthanize or remove these animals. The Department does maintain and distribute a list of nuisance beaver locations by town. The list directs trappers to these locations during the trapping season when the fur provides some economic value to the trapper.

You may already be aware that beaver dams and dam removal in general can be very contentious. These issues frequently involve multiple landowners with competing interests. Some landowners prefer having beaver and the habitats they create on their property while others view them as a nuisance and destructive. Regardless, of a landowner's personal opinion on beaver, it would seem that the public and the resources we manage are better served by working with the landowner to find the best overall solution without requiring that landowner to remove the beaver dam on their property, or require installation and maintenance of a fishway. The Department has routinely worked with landowners to create a simple opening in the existing dam so that fish may pass and ultimately avoiding potentially expensive, time consuming and ineffective means of fish passage.

The Department contends that a formal adjudicatory proceeding with the expected public hearings to consider the removal of beaver dams is not a solution to the problem. The adjudicatory process that this bill seeks to amend was originally designed to address dams regulated by the Federal Regulation Energy Commission or Maine Department of Environmental Protection which prevented fish passage and required the dam owner to provide and maintain fish passage at their own cost. Adding beaver dams to this legislation may lead to several unintended consequences. Over the long term this bill may make it more difficult to access private property for fish and wildlife work and has the potential to lead to additional posting of private property.

In conclusion, the Department feels that the existing permitting system allows for the appropriate level of oversight, protection and opportunities for the resources associated with beaver dams and beaver dam removal.

I would be glad to answer any questions at this time or during the work session.